



I do appoint *Henry Chase* to
print these *Rules*, and that
no other person or persons
do presume to print the
same.

May 22. 1661.

Clarendon.

Harbottle Grimston.



Rec. Dec. 7, 1704



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St. S^t. Court of Chancery
A C#

COLLECTION

OF

Such of the ORDERS

Heretofore used in

CHANCERY;

With such Alterations and Additions thereunto, as the right Honorable
Edward Earle of Clarendon Lord
Chancellor of *England*,

By and with the advice and assistance of the
Honorable Sir *Harbottle Grimston* Barronet,
Master of the ROLLS,

Have thought fit at present to Ordaine and Publish

For

Reforming of several Abuses in the said Courts
preventing multiplicity of Suits, Motions, and
unnecessary Charge to the Suiters, and for their
more expeditious and certain course for Relief.

London, Printed for *Henry Chafe*, and are to be sold
at his shop at the *Rolls* in *Chancery-lane*, over a-
gainst the six Clerks Office; and by *Humphrey*
Tuckey at the black-spread-Eagle in *Fleetstreet*,
1661.

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Soc. Reg. Lond.

Rec. Dec. 7, 1904.



A
COLLECTION
of such of the
ORDERS
heretofore used in
Chancery

Bills.



H A T no Council-
lor do put his hand
to any Bill, An-
swer, or other Plea-
ding, unless it be drawn, or

at least perused by himself in
the paper draught before it be
ingrossed (which they shall
do well for their own dis-
charge, to sign also after per-
usal) And Council are to
take care that the same be not
stuffed with repetition of
Deeds, Writings, or Records,
in hac verba: but the effect
and substance of so much of
them only as is pertinent and
material to be set down, and
that in brief terms, without
long and needless traverses of
points not traversable, tauto-
logies, multiplication of
words, or other impertinen-
cies occasioning needless pro-
lixity, to the end the ancient
Brevity

Brevity and Succinctness in Bills, and other pleadings, may be restored and observed: Much less may any Council insert therein matter meerly criminous or scandalous, under the penalty of good costs to be laid on such Council, and paid to the party grieved, before such Council be heard in Court.

That all Bills be dated the same day they are brought in to the Six Clerks Office, and that no Six Clerk presume to Antedate any Bill, and that no Under-clerk presume to keep any Bill by him, but with the first opportunity deliver

liver the same to the Six
Clerk, or his allowed Deputy,
in his absence to be according-
ly filed.

No Bill, Answer, or other
pleading shall be said to be of
Record, or to be of any effect
in Court, until the same be fi-
led with such of the Six Clerks
with whom it ought properly
to remain.

Subpœna's.

That all plaintiffs may have
liberty to take forth Sub-
pœna's *ad respondendum*, before
the filing of their Bills, if they
please,

please, notwithstanding any
late Order or usage to the con-
trary.

That every *Subpœna* to an-
swer, revive, review, rejoin
to testify or to hear judge-
ment, shall be served perso-
nally, or left at the Defen-
dants dwelling house or place
of residence, with one of that
Family. And no Clerk of
this Court shall issue any At-
tachment for not appearing,
but upon Affidavit first made,
positive and certain of the day
and place of such service of
the *Subpœna*, and the time of
the return thereof, whereby
it shall appear that such service
was

was made, if in London, or
 within twenty miles thereof, in
 four dayes at the least, exclu-
 ding the day of such service de-
 - And if above twenty miles
 then to have been eight dayes be-
 - before such Attachment enter-
 - ed: And that such Attach-
 - ment shall not be discharged
 - but upon payment of usuall
 costs, and for the succeeding
 costs to be double.

Pleas and Demurrers.

As much as the Defen-
 - dant being served with pro-
 cess

(11)

letts to answer, may by ad-
vice of Council upon sight of
the Bill, only be enabled to
demurre thereunto, if there be
cause, or may by like advice
be enabled to put in any just
plea which he hath in disabili-
ty of the person of the Plain-
tiff, or to the jurisdiction of
the Court: It is therefore
Ordered, That such Demur-
rer, or such plea in disability,
or to the jurisdiction of the
Court, under the hand of
Council learned, shall be recei-
ved and filed, although the
Defendant do not deliver the
same in person, or by Commis-
sion. And therefore if the
Defendant shall pray a Com-
mission,

mission, and thereby return
 Demurrer only, or only such
 plea, which shall be afterward
 over-ruled, the Defendant shall
 pay five marks costs : and al-
 though it be allowed, the De-
 fendant shall have no costs in
 respect of the Plaintiffs need-
 less trouble occasion'd by such
 Commission.

Every Demurrer shall ex-
 press the several causes of De-
 murrer, and shall be determin-
 ed in open Court. And such
 pleas also as are grounded up-
 on the substance and body of
 the matter, or extend to the
 jurisdiction of the Court, shall
 be determined in open Court.

And

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And for that purpose, the Defendant is to enter the same with the Register, within eight dayes after the filing thereof; or in default of such entry made, the same shall be disallowed of course, as put in for delay. And the Plaintiff may then take out process to enforce the Defendant to make a better answer, and pay forty Shillings costs: and the same shall not afterwads be admitted to be set down or debated, unless upon motion it shall be Ordered by the Court: And if any cause of Demurrer shall arise, and be insisted on at the debate of the Demurrer (more than is par-

particularly alledged, yet the
 Defendant shall pay the ordi-
 nary costs of Over-ruling
 a Demurrer (which is here
 by Ordered to be five marks
 costs) if those causes which
 are particularly alledged be
 disallowed: although the
 Bill, in respect of that par-
 ticular so newly alledged
 shall be dismissed by the
 Court.

A Plea of Outlawry,
 it be in any suit for that
 duty, touching which relief
 is sought by the Bill; is in-
 sufficient according to the
 Rule of Law, and shall be
 disallowed of course as p^{re}cedent

then for delay: And the
 plaintiff may notwithstanding
 such Plea, take out pro-
 cess to enforce the Defen-
 dant to make a better an-
 swer, and pay five Marks
 costs; otherwise a plea of
 Outlawry is alwayes a good
 plea, so long as the Out-
 lawry remaineth in force.
 And therefore the Defen-
 dant shall not be put to
 set it down with the Regis-
 ter: And after the said
 Outlawry reversed, the De-
 fendant upon a new subpa-
 na served on him, and pay-
 ment unto him of twenty
 shillings costs, shall answer
 the same Bill, as if such
 Out-

Outlawry had not been
 But if the Plaintiff conceive
 such plea of Outlawry tho-
 rough mispleading, or other-
 wise to be insufficient, he
 may, upon notice given to
 the Clerk on the other side,
 set it down with the Regi-
 ster, to be debated with
 the rest of the Plea's and
 Demurrers in course: But
 if the Plaintiff shall not in
 such Case enter it with the
 Register within eight dayes
 after the same shall be fi-
 led, the Defendant may
 take out process against the
 Plaintiff for his Ordinary
 costs of five marks, as if

the

the same had been heard.

The Dependancy of a former suit for the same matter, is also a good plea, and therefore the Defendant shall not be put to set it down with the Register; But if the Plaintiff be not satisfied therewith, the same shall be referred to one of the Masters of the Court to certify the truth thereof; and if it shall be determined against the Plaintiff, he shall pay five pounds costs to the Defendant; But such reference shall be procured by the Plaintiff, and a report thereupon within one

B

month

month after the filing of
 such plea, otherwise the
 Bill to stand dismissed of course
 with the ordinary costs of se-
 ven Nobles.

nota bene

If after a suit commen-
 ced at the Common Law,
 or any other inferiour Court,
 Bill shall be exhibited in this
 Court to be relieved for
 the same matter, the de-
 pendancy of the former suit
 shall be admitted as a good
 plea, and the Defendant
 not be put to motions for
 an Election or Dismission,
 and that plea shall be pro-
 ceeded in, as in case of

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a plea of a former suit depending in this Court for the same matter.

After a Contempt duly prosecuted to an Attachment with proclamation returned, no Commission to answer shall be made; nor no plea or demurrer admitted, but upon motion in Court, and Affidavit made of the parties inability to travel, or other good matter to satisfy the Court touching that delay.

B 2

Answers

Answers.

AFTER a Commission once obtained to answer, no second Commission shall be granted without special Order of Court upon good reason shewed to induce the same, or the Plaintiffs own assent.

An Answer to a matter charged as a Defendants own fact, must regularly be without saying, *To his remembrance,*

brance, or As he believeth;
 if it be laid to be done with-
 in seven years before, un-
 less the Court upon excep-
 tion taken, shall find spe-
 cial cause to dispence with
 so positive an answer. And
 if the Defendant deny the
 fact, he must traverse or de-
 ny it (as the cause requires)
 directly, and not by way
 of negative pregnant. As if
 he be charged with a receipt
 of a summe of money, he
 must deny or traverse that
 he hath not received that sum,
 or any part thereof, or else set
 forth what part he hath recei-
 ved. And if a fact be laid to be
 done with divers circumstan-
 ces,

ces, the Defendant must not deny or traverse it literally, as it is laid in the bill, but must answer the point of substance positively and certainly.

When the Defendants have answered, the Plaintiffs and their Council are seriously to advise of the Answers, and if they find that upon the Answer alone, without further proof, there be sufficient ground for a final Order or Decree, to proceed upon the Answer without further lengthening of the cause. Or if it be needful to prove one or a few particular points to reply unto those points, and not to

draw

draw into pleading or proofs
 any more than those necessa-
 ry points, thereby making
 long books, and putting
 both sides to unnecessary
 Charges, the Defaulters
 herein to be punished by
 paying the charge of the Co-
 pies, or otherwise, as the cause
 shall require.

If a hearing be pray'd
 upon Bill and Answer, the
 Answer must be admitted
 to be true in all points,
 and no other Evidence to
 be admitted, unless it be
 matter of Record to which
 the Answer referres, and is
 proveable by the Record:

The Plaintiff is therefore to be well advised, that the Court be not put to any unnecessary trouble, and himself to a certain charge in bringing his cause to hearing which will not bear a Decree. ed to gaine of giving the charge of the cause to either will be the cause shall require.

It is hearing be prayd upon Bill, the

Exceptions.

Answer must be admitted to be true in all points.

When a Plaintiff excepteth to a Defendants Answer, he shall set down his Exceptions in Writing, and if the Answer be filed in

In Term time, he shall the
 same Term, or within eight
 dayes after that Term, de-
 liver the same Exceptions
 to the Council whose hand
 is to the Answer, or to the
 Defendants Clerk in Court;
 And if the Defendant do
 within eight dayes after
 such delivery, satisfie the
 Plaintiffe of the invalidity of
 those exceptions, or amend
 the Answer in the same
 time, or agree with the
 Plaintiffe, or his Clerk, or
 Solicitor, to amend it by
 such time as they shall a-
 gree upon, and do amend
 it accordingly, and pay
 twenty shillings costs, the
 Plaintiff

Plaintiff shall go on to Reply; But if the Defendant shall faile to do the same, or put in a second insufficient Answer, the Plaintiff may get the Answer or Answers referred: and if the same shall be ruled insufficient, the defendant shall pay forty shillings costs. But if an Answer be filed in Vacation-time, then the Plaintiff shall have eight days in the beginning of the next Term, if he see cause to put in his Exceptions, and deliver them in writing in like manner, as before is appointed: and the Defendant within eight days after such delivery to proceed as before is ordered.

If

If the Plaintiff shall procure a reference of an insufficient Answer within the time before limited, and the same be reported good, the Plaintiff shall pay the Defendant forty shillings costs.

If the first Answer be certified insufficient, and ruled so, the Defendant shall pay forty shillings costs as aforesaid: if the Answer was put in in person: But if the same came in by Commission, the Defendant shall ^{pay} have fifty shillings costs, and no new Commission shall be awarded for
ta-

taking a second Answer, unless it be by Order, upon Affidavit made of the parties inability to travel, or other good matter, to satisfy the Court touching that delay, and first paying the costs of such insufficient Answer, or by the Plaintiff, or his Clerks assent for expediting the cause. If the second Answer be reported insufficient unto any the points formerly certified, the Defendant shall pay three pounds costs: And upon the third insufficient, four pounds costs: And upon a fourth Answer certified insufficient, he shall pay five pounds costs, and

and be examined upon Interrogatories to the points reported insufficient, and shall be committed, until he hath perfectly answered those Interrogatories, and paid the costs, in respect of the great vexation and delay which in such cases will happen to the Plaintiff.

No *Subpoena ad rejuvendum*, shall be of force, unless there be a Replication filed in the cause according to the course of the Court, before the issuing out of the said *Subpoena*, or at least before the return thereof: And the parties
up

upon whom such *Subpœna* shall be served, finding no replication filed before the return thereof, shall have the ordinary costs taxed according to the course of the Court.

Examination of Witnesses.

WHen the parties are at issue, and proceed to examine Witnesses, the Interrogatories are to be penned with care, that the same be pertinent, and only to the points

points necessary , and the Witnesses are to be sorted and examined on those Interrogatories only that their Testimony doth extend unto, without the needless Interrogatories of matters unnecessary, immaterial , aswell to avoid the charge of both parties , Plaintiff and Defendant , in superfluous examinations , as that apt Interrogatories (which are the life of the cause) may be exhibited.

No Witness shall be examined in Court by the Examiner, without the privity
of

of the adverse party ; or to
 his Clerk who deals for the
 adverse party , to whom the
 person to be examined shall
 be shewed , and a Note of his
 name and place of dwelling
 delivered in Writing , by such
 as shall produce him ; and
 the Examiner is to take care
 and be well satisfied that such
 notice be given , and then
 shall add to the Title of
 the Witnesses Examination
 the time of such notice gi-
 ven , and the name of that
 person to whom it is gi-
 ven , and by whom , that
 at the hearing of the cause
 the Suiter be not delayed
 upon

upon pretence of want of notice.

When Witnesses are examined in Court upon a Schedule of Interrogatories, there shall be no new Interrogatories put in to examine the same Witnesses, nor shall any Witnesses be examined in Court after the day of Publication, though they were sworn before, so as a Copy of the Rule or Order where by Publication passed, be delivered to the Examiner, that he may take notice thereof.

C

That

That all Copies of Bills, Answers, Depositions, or other Record, or thing whatsoever belonging to the Six Clerks to Copy, shall contain fifteen lines at the least in every sheet of paper, written fairly, and orderly, and unwastefully: And that no such Copy shall be henceforth delivered out of the Office, before it be signed by such Six Clerk to whom it belongeth, with his own proper hand-writing, or by his Deputy in his absence. Nor any Copy not so signed, shall be made use of in Court, or before any Master, which

All Clients are to take notice of, to the end they may be prepared with such Copies at the hearing of their causes.

And whereas many inconveniencies do frequently arise by undue Copying Bills, Answers, and other Pleadings, before they be filed; so as they are either never filed, or very irregularly; to the prejudice of the Client, and trouble to the Court, by unnecessary motions: It is therefore ordered, That no Under-clerk, or his man, or other for him,

him, & do from henceforth
 presume to copy any Bill, or
 other Pleading whatsoever,
 before it be duly filed with
 the proper Six Clerk, who
 ought to file the same.

And whereas many in Court
 for preventing of perjury
 and other Mischiefes often
 appearing to the Court, the
 Examiner is to examine the
 Deponent to the Interrogato-
 ries directed *seriatim*, and not
 to permit him to read over, or
 hear read any other Interro-
 gatories, until that in hand
 be fully finished, in which case
 is he to suffer the Deponent
 to have the Interrogatories
 read and

with Oath his own Deposition
 and not afterwards he shall
 be bound an Interrogatory read
 over, until he hath perfected
 his Examination whereunto
 And if any Witnesses shall re-
 fuse so to conform himself,
 the Examiner is thereof to
 give notice to the Clerk of the
 other side, and to proceed no
 further in his Examination,
 without the consent of the
 said Clerk and in Order made
 in Court to warrant his doing
 in such manner as he shall see
 fit to be diligent in Examina-
 tion The Examiner shall not
 examine any Witnesses to in-
 validate the Credit of any other
 Wit-

Witness, but by special Order
 of the Court, which is sparing-
 ly to be granted, and upon Ex-
 ceptions first put into writing, co-
 and filed with the Examiner
 without delay, and notice
 thereof given to the adverse
 party, or his Clerk, together
 with a true Copy of the said
 Exceptions at the charge of
 the party so Examining.
 The Examiners (in whom
 the Court reposes much Con-
 fidence) are themselves in per-
 son to be diligent in Exami-
 nation of Witnesses, and not to
 intrust the same to mean and
 inferior Clerks; and the same

take care to hold the Witness to the point interrogated, and not to run into extravagances, and matters not pertinent to the Question, thereby wasting paper for their own profit, of which the Court will expect a strict accompt,

The Examiners are to take care that they employ under them in their Office, none but persons of known integrity and ability, who shall take an Oath, Not to deliver or make known directly, or indirectly, to the adverse party, or any other, save the Deponent, who comes to be examined a-

any of the Interrogatories de-
 livered to be examined upon
 any examination by him ta-
 ken, or remaining in the Ex-
 aminers Office or Extract, Co-
 py or Breviat thereof, before
 publication be thereof passed
 and Copies thereof taken.
 And if any such Deputy,
 Clerk, or person so employed,
 shall be found faulty in the
 premises, he shall be expul-
 sed the Office, and the Exa-
 miners who so employed
 him, shall be also answer-
 able to the Court for such
 misdemeanour, and to the
 party grieved, for his costs
 and damages sustained there-
 by:

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And such Solicitors
or other persons who shall
be discovered to have had
a hand therein shall be li-
able to such censure for the
offences as the Court shall
find just to inflict upon
him:

In examining of Wit-
nesses the Examiner shall not
use any idle Repetitions
or needless Circumstances
nor set down any Answer
to the Questions but to which
the Examinant cannot de-
pose, other than such as
such an Interrogatory in his
Exa-

Examinant cannot depose. And
 in case such impertinences
 be observed by the Court,
 the Examiner is to recom-
 pend the charge thereof to
 the party grieved, as the Court
 shall award.

That after Witnesses
 examined in Court, there
 shall be two Rules on-
 ly given for Publication,
 (viz.) An Ordinary
 Rule, and then a day to
 shew cause why Publicati-
 on should not pass, and up-
 on the return of a Com-
 mission, one Rule only to
 be

be given, within which
 times aforesaid, if the other
 side do not shew unto the
 Court good cause to the con-
 trary, Publication shall pass
 accordingly.

All Pleadings, Com-
 missions, Certificates, be-
 longing to the Six Clerks
 to receive, shall immedi-
 ately upon the bringing
 in, or return thereof into
 this Court, be delivered
 to such Six Clerks own hands,
 as shall be Attorney in the
 cause; or to the hands of
 his Deputy in his absence.
 And

And not to be from henceforth
 in any wise kept back: nor
 any Depositions, or Answers
 taken by Commission, or
 under Commission, to be
 opened by any of their Un-
 der Clerks, before they be so
 delivered.

And all Pleasings, and
 No Bills, Warrants,
 and Commissions,
 and all other
 Records, whatsoever,
 shall from henceforth be car-
 ried to be ingrossed, in-
 scribed, copied, or other-
 wise used by any of the Un-
 der Clerks to their Chambers,
 or elsewhere, out of the Six
 Clerks

Clerk's Office, or lodgings
 there. And so soon as any
 Clerk shall have ingrossed,
 enrolled, copyed, or used
 any such Writings, Pleading,
 Commission, Decree, or other
 Records in the said Office, We
 shall bring the Original there-
 of presently back, into Court, to
 the Clerk or whom other custody
 thereof shall be long, and shall
 not refuse keeping and depositing
 the same according to the
 ancient usage, w^{ch} other side
 have the Commission, either
 for Fees of Court, bringing or
 entertaining Commissioners,
 or otherwise, to be determined by the
 Oath

Commissions.

When a Commission is
 awarded to examine
 Witnesses, if by default of him
 that hath the carriage of the
 Commission, or by his Commis-
 sioners nothing is done, he
 shall bear all the charges that
 the other side was put unto a-
 bout that Commission, either
 for Fees of Court, bringing or
 entertaining Commissioners,
 or Witnesses, or otherwise
 to be ascertained by the
 Oath

Oath of the party, or of him that disbursed the money for him, and shall renew the Commission at his own charges.

When a Commission is awarded to examine Witnesses, and the one side produceth and examineth all his Witnesses, and the other side doth not, but pray a new Commission, if it be granted, he shall bear all the charges of the renewed Commission, both in Court, and in the Countrey, as well for the charge and entertainment of his own Commissioners, as of the Commissioners of the other side, and the other side shall be permitted to cross-exa-

to examine the Witnesses produced by him that reneweth the Commission; but if he will examine any other Witnesses of his own, then he shall bear his own part of the charge; the charges herein mentioned to be ascertained by the Oath of the party, or of him that disbursed the money for him.

He at whole instance a Commission to examine Witnesses after a former Commission executed and returned, is once renewed, and he by whole default, or by default of his Commissioners, a former Commission was not executed, & thereupon it is returned, that at his perill examine

all his Witnesses by that renewed Commission, or examine them in Court by the end of the Terme, wherein that renewed Commission is retournable without any more or further delay.

That no Commission *ad examinandum testes* be executed in London, or within ten Miles thereof, without special order first obteyned upon Affidavit made of the parties inability to travel, or other good matter. And that all Depositions taken by Commission in London, or within ten Miles thereof, without special order as aforesaid, shall stand superseded and suppressed *ipso facto*, and not al-

D

lowed

lowed to be read as Evidence at the hearing of the Cause. And the parties who shall cause the same to be so executed, shall suffer such punishment for their contempt and irregularitie as the Court shall think fit.

Depositions.

WHere either partie Plaintiff or Defendant, obtaineth an Order to use Depositions of Witnesses taken in another cause, the adverse partie may likewise use the same without motion, unlesse he be upon special reason shewed to the Court by that partie first desiring the same

same, inhibited by the same or-
der to do.

No motion shall be made
in Court, or by petition for
suppressing of Depositions as
irregularly taken, untill the six
Clarke not towards the cause
have been first attended with
the complaint of the partie gri-
ved, and shall certify the true
state of the Fact to the Court,
with their opinion: If the
Attourneys or Clarkes on either
side, shall not for the ease of
their Clyents agree before them,
for which purpose a rule for
attendance of the six Clarke in
such case, shall be entred of
course with the Register at the
desire of the partie complain-

ing, which shall warrant their proceedings, and certificate to the Court.

Causes to be set downe for hearing.

THe six Clarkes who are the only Attourneys in this Court, ought to informe themselves continually of the state and proceedings of their Clyents causes, whereby they may be able to defend their Clyents, and to give account to the Court as the Attourneys in all other Courts doe, and not to leave the care and knowledge thereof upon their underClarkes who

who attend not in Court, and the Clyents and such as follow their causes, are to acquaint their Attourneys for that purpose.

Such as desire to have their causes set down for hearing, must repaire to the fix Clarke that is Attourney in the cause, at least six dayes before the end of the Terme, that the fix Clark may informe himself of the state of the Cause, of the long or short dependance thereof in Court, of the Antiquity of the publication, of the weight or value of the causes, and all other Circumstances material to informe the Lord Chancellour, Lord Keeper, or Master of the
D 3 Rolls,

Rolls of the time of the setting down of causes, and the six Clark may not refuse to offer the same to be set down, if he be attended in such time as aforesaid, nor come unprepared to inform the Lord Chancellor, Lord Keeper, or the Master of the Rolls, of the nature and circumstance of the cause aforesaid. And neither he, nor any of his under Clarks, nor any of the Registers, are to take any Fee, Gratuity, or Reward for the same.

No money, or other reward, shall in any wise be exacted, or taken directly or indirectly by any of the six Clarks, or any of the Registers for, or in their behalf,

halfe, for the preferring, and setting down of any cause for hearing, but only such Fees as are behind, and unpaid of their termly Fees and Duties, (if any be) and if any cause happen to be let down for hearing, wherein they shall not have been satisfied their due Fees and Duties, they may alleadge the same in stay of hearing of the cause.

Proceedings in hearing Causes.

WHere no Councel appears for the Defendant at the hearing, and proces appears to have been duly ser-

ved, the answer of such Defendant shall be read, and if the Court upon such hearing shall find cause to Decree for the Plaintiffe, yet a day shall regularly be given to the Defendant to shew cause against the same, but before he be admitted thereunto, he shall pay downe to the plaintiffe, or his Attourney in Court, such costs as the Court upon that hearing shall assesse, and the Order is to be penned by the Register accordingly, (*Viz.*) *It is decreed so and so, &c.* Unlessse the Defendant shall by such a day pay to the Plaintiffe, or his Attourney in Court costs, and shew good cause to the contrary, and such

De-

Defendant upon his shewing
cause, shall first produce a
Certificate from the Plaintiffs
Attourney in Court, that he
hath payd the costs, or Affidav-
it of tender or refusal thereof.

Contempts.

ALL proces of contempt
shall be made out into
the County where the party pro-
secuted is resident, unless he
shall be then in, or about Lon-
don, in which case it may be
made into the County where
the party then is. And if any
person shall be taken upon pro-
ces otherwise, or irregularly
issu-

issued, the party so taken first appearing unto, and satisfying the proces which did regularly issue against him, shall be discharged of his contempt, and have his full costs to be taxed of course by the six Clarkes not towards the cause, for such undue or irregular prosecution from the time that the error first grew, without motion or other order.

Every Suitor who prosecuteth a Contempt, shall do his best endeavour to procure each several proces to be duely served, and executed upon the partie prosecuted, and his willful default therein appearing to the Court, such Person offending shall

shall pay unto the party greived good costs, and lose the benefit of the proces returned without such endeavour.

Noc ~~Att~~ Attachments in proces shall be discharged upon the defendants payment, or tender to the Plaintiffs Clark and refusall of the ordinary costs of the Court, and fileing his Plea, Answer or Demurrer (as the case regularly requires) but upon motion in Court, or petition in that behalf,

And if after such conformity and payment of the costs (or tender and refusal thereof) any further prosecution shall be had of the said contempt, the party prosecuted shall be discharged with his costs. If

If after appearance, and Interrogatories exhibited as aforesaid, the partie appearing shall depart before he be examined (without leave of the Court) he is upon motion and certificate from the Register of such his departing and not being examined, and of the Interrogatories exhibited from the Examiner to stand committed without further Day given unto him, and is not to be discharged from such his contempt untill he hath been examined and cleered of his contempt; And if he shall upon his examinations, or by proofes be found in Contempt, he shall cleere such his
con-

contempt, and pay the Prosecutor his costs, before he be discharged of his Imprisonment. And although he be cleared of his said contempt, yet he shall have no costs, in respect of his disobedience in not being examined without the Prosecutors trouble and charges in moving the Court as aforesaid.

In Case of prosecution of a Contempt for breach of an Order of the Court, or otherwise grounded upon an Affidavit, the Interrogatories shall not be extended to any other matter then what is comprehended in the said Affidavit or Order. And if any other shall
be

be exhibited, the partie examined may for that reason Demurre unto them, or refuse to answer them.

Where the partie prosecuted upon a Contempt, hath denied it, or the same doth not clearly appear by his examinations, the Prosecutor may take out a Commission of Course to prove the Contempt, and in such case the partie prosecuted may name one Commissioner to be present at the Execution of the Commission, and may henceforth (notwithstanding the former usage to the contrary) crosse Examine the Witnesses produced against him to
 prove

prove the Contempt, but is not to examine any Witnesses on his part, unlesse he shall satisfie the Court touching some matter of fact, necessary to be proved for clearing the truth. In which case the Court if there be cause, will give leave to him to Examine witnesses to such particular points set down; and the other side may crosse Examine such Witnesses, But the Interrogatories on both sides are to be included in the Commission.

Where a Contempt is prosecuted against one, who by reason of Age, Sicknesse, or other cause is not able to travel,

vell. Or in case the same be
 against many Persons who are
 Servants or Workmen, that live
 farr off the Court, will upon
 Motion and Affidavit ther eof,
 grant a Commission to Exam-
 ine them in the Country, which
 Commission shall be sued out
 and Executed at the charge of
 the Person or Persons desiring
 it, Directed to such indiffe-
 rent Commissioners as the Pro-
 secutors of the Contempt shall
 name (as in other cases) and
 one Commissioner only at the
 Nomination of the partie pro-
 secuted as aforesaid. Which
 Commission shall be Executed
 at such convenient time and
 place, as the six Clarkes not to-
 wards

wards the cause upon hearing the Clarkes upon both sides shall set down.

Upon every Examination and prooffe of a Contempt referred to any of the Masters of the Court, to certify whether the Contempt be confessed or proved, or not: The Master in his Certificate thereof made to the Court, shall likewise asseffe and certify the costs to either partie as there shall be cause, without other Order or Motion made for that purpose

Commitment.

THE Court being tender of
the liberty of mens Per=
E sons

sons, and to avoid their Imprisonment upon malicious Affidavits, which are often made by one meane and ignorant Person, and which hath heretofore by the course of the Court drawn on a Commitment, Doth order that from henceforth, where Oath shall be made of misdemeanour in beating or abusing, the partie upon ~~seeing~~^{er} the Process or Orders of the Court, the partie offending shall stand committed upon motion, and no examination is in that case to be admitted.

And when Affidavit shall be made by two persons of Scandalous or Contemptuous words

words against the Court or the process thereof, the partie offending shall likewise stand committed upon motion, without any further examination. And a single Affidavit in such case shall be sufficient to ground an Attachment, Whereupon such Person shall be brought in to be examined: And if the misdemeanour shall be confessed, or proved against him, he shall stand committed untill he satisfie the Court touching his said misdemeanour, and pay the Prosecutor his costs. And if he shall not be thereof found guilty, save by the Oath of the partie who made

such Affidavit, he shall be discharged, but without any costs, in respect of the Oath made against him as aforesaid.

Decrees and Dismissions.

THat all Decrees and Dismissions pronounced upon hearing the cause in this Court be Drawen up, Signed, ^and Inrolled before the first Day after the next Michaelmas, or Easter Terme, ~~after~~ the same shall be so pronounced respectively, and not at any time after, without special leave of the Court.

When the partie is committed,

mitted, or brought in by a Serjeant at Armes for breach of a Decree, he is not to be enlarged untill he hath performed the Decree in all things that are to be presently done, and given Security by Recognizance with Suerties, as the Court shall order to performe the other parts of the Decree (if any be to be performed) at future dayes and times appointed by the Decree.

No Decree or Dismission shall be presented by the Register of this Court, or his Deputy, or any other, to the Lord Chancellor, Lord Keeper, or Master of the Rolls, to

be Signed, before it be Signed by that six Clarke to whom it belongeth, of his proper hand writing: Or by his Deputy in his abience.

To the intent the Decrees and Dismissions of this Court may be easily found upon search, the six Clarkes are to keep a publick Book for the entring all Decrees and Dismissions which hath been made and Signed by the Lord Chancellour since the Nine and Twentieth day of May last, and which shall be made and so Signed in this Court: And to that end the Register shall at the beginning of every Terme, deliver into one of the

the

the six Clarkes a list of all Decrees and Dismissions Signed by the Lord Chancellour, the Terme and Vacation before.

If a Bill be regularly and justly dismissed of Course, or by order for want of prosecution, no motion shall be admitted for the retainer thereof, without a Certificate from the Defendants Attourney in Court, that the costs of the Dismission are pay'd, to the end unnecessary charge to the parties by several motions for one and the same matter, may henceforth be avoyd-
ed.

Masters.

Masters.

That the Masters do not passe any exemplifications of Depositions taken in Chancery upon a bare sight of the Copies only, without first calling the Officer or Officers, who have the custody of the Records, or Originalls of such Copies, or some sworne Clark of his, or their Office, who are to produce the same before them, to warrant their Signing thereof.

The Masters are not upon the importunity of Councell, (how eminent soever) or their Clyents, to returne speciall Cer-

Certificates to the Court, unless they are required by the Court so to do, or that their own judgment in respect of difficulty leadeth them unto it, such kind of Certificates for the most part occasioning a needless trouble, rather than ease to the Court, and certaine expence to the Suitor.

Their Certificates and Reports are to be drawn as succinctly as may be (preserving the matter clearly for the judgment of the Court) and without recital of the several points of the Orders of Reference (which do sufficiently appear by the Orders themselves)

selves) or the several Debates of Council before them: unless that in case where they are doubtful, they shortly represent to the Court the reasons which induce them so to be.

The Masters of the Court are to take notice, That when the Court requires to be satisfied from them, touching any matter alledged to be confessed, or set forth in the Defendants answer, It is intended, that without further Order, they should take consideration of the whole Answer or Answers of the Defendants, and certifie not only whether the matter be so confessed or set forth, but also any other matter avoiding that

that confession, or ballancing the same, that the Court may receive a clear and true Information.

The Masters in taking *Affidavits*, and administering of Oathes, in Cases duly presented unto them, are to be circumspect and wary, that the same be reverently and knowingly given and taken, and are therefore to administer the same themselves to the partie, and where they discern him rash or ignorant, to give him some conscionable admonition of his duty, and be sure he understand the matter contained in his *Affidavit*, and read the same over, or hear it read in his presence,

sence, and subscribe his name or mark thereunto, before the same be certified by the Master, who is not to receive or certify any *Affidavit*, unlessse the same be fairly and legibly written without blotting, or Interlineation of any word of substance.

In all matters referred to the Masters of the Court, their Certificate (not being to ground a Decree) if it be positive, is to stand, and process may be taken out to enforce performance thereof, without further motion, unlessse the adverse partie, upon notice given (to his Attorney or Clark in Court,) that such report is filed against him, shall within eight dayes after

after such notice (if it be given in Term, or whiles the general Seales for Motions are held, or within foure dayes of the next Term, if it be given after) obtain some Order in Court to controul or suspend the same, And in case of an insufficient Answer certified by the Masters, the Plaintiffe may immediately take out Process against the Defendant for his costs, and to make a better Answer, as hath formerly been used.

Where after Certificate or Report made by the Masters of the Court, either Partie shall Appeal from the same, to the judgment of the Court, he shall first File his Exceptions there-
 unto

unto briefly, with the Register, and depofite with him fourty fhillings to be paid to the other partie for his Cofts, if he prevail not in fuch Appeal: And then the Register fhall enter fuch caufes of Appeal in a paper, in order as they are brought unto him to be determin'd by the Court, in courfe upon days of Motions, And notice thereof to be given by the party Appealing, to the Clerk of the other fide. And alfo the Registers paper to be fet up in the Office two dayes before, And if the Court fhall not alker the Mafters Report, then the fourtie fhillings depofited to be paid to the partie defending the
 fame

same, with such increase as the Court shall finde cause to impose, otherwise to be restored to the party Appealing, and both without charge.

The Masters Extraordinary shall not within twenty miles of *London*, take any Affidavits, or Acknowledgment of Deeds, or Recognizances, or do any other Act incident to the place of Master of the Chancery. And to the end it may appear, whether any Master Extraordinary shall notwithstanding presume so to do, Every such Master shall expresse the name of the Town and County where he shall take any *Affidavit*, or the Acknowledgment of any Deed
or

or Recognizance, otherwise the same shall not be held Authentical, nor ^{ad}mitted to be Filed or Inrolled.

Cursitor.

WHereas there is an Irregular practice lately Introduced, of making forth Original Writs of *Clansum fre-git*, in Trespass, without any other Cause of Action therein expressed of Returns past, when in truth the proper cause of Action, is either Debt, Case, Ejectment, or some other cause of Action; And by process thereupon, the Defendant is not only

only usually arrested, but frequently proceeded against to the Outlawry, to the great damage of the Subject, and the losse and diminution not only of the proper Original Writs issuing out of this Court, but also of his MAJESTIES revenue for the casuall Fines thereupon due and payable. It is therefore Ordered,

That no Curlltor of this Court from, and after the first Day of Trinity Term next ensuing, make, or cause to be made any Writs of *Clausum fregitt*, or *Clausum & Dominum fregitt*, within the City of London, without special Warrant from the Lord Chancellor, or

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Lord Keeper of the Great Seale of *England*, or Master of the Rolls for the time being, unlesse it be made appear by Affidavit, or some other probable evidence that the same is the true and proper cause of Action.

That no Cursitor of any other County do make, or permit to be made within his respective Division any of the said Writs of *Clausum fregitt*, or *Clausum & Domum fregitt*, of any other returne, then of the last returne of every respective Term, unlesse it be to warrant Arrests, and *Testamentum Capias* only.

That no Cursitor shall from
and

and after the end of *Michaelmas* Term next ensuing make, or permit to be made within his respective Office and Division, any Originall Writs whatsoever of any returne past, unlesse he shall receive the Instructions for making thereof within the Term wherein the said Writs are to be returnable, Or at the farthest, on, or before the first Elfoigne day of the next Succeeding Term, without speciall Warrant from the Lord Chancellour, or Lord Keeper of the Great Seale of *England*, or Master of the Rolls for the time being. Or good cause to be allowed of

by the Principal, and Assistants of the Company of the Cursitors for the time being, or the Major part of them, at their Publick meetings according as heretofore hath been used.

The Cursitors are to take care that they imploy under them in their Office, none but Persons of known integrity and ability, And if any Clerks, or Persons so imployed, shall be found faulty in the premises, he shall be expulsed the Office, And the Cursitor who so imployed him, shall be answerable to the Court for such Misdemeanours, And such Person, or Persons, who shall be discovered to do, or proceed

ceed otherwise then is before mentioned, shall be lyable to such censure for his offence, As the Court shall find just to inflict upon him.

Petitions.

NO Injunction for stay of Suite at Law shall be granted, revived, dissolved, or stayd upon Petition, Nor any Injunction of any other nature, shall passe by Order upon Petition, without notice, and a Copy of the Petition first given to the other side, And the Petition filed with the Register, and the Order entered.

No Sequestration, Dismissal, Retainers upon Dismissals, or final Orders, are to be granted upon Petition.

No former Order made in Court is to be altered, or explained upon a Petition; Or Commitment of any Person taken upon Process of Contempt to be discharged, but upon hearing the adverse party, his Attorney or Clerk toward the Cause.

Paupers.

After an admittance *In forma pauperis*, No Fee, Profit, or Reward shall be taken

taken of such party admitted by any Councillor or Attorney, for the dispatch of the *Paupers* business, during the time it shall depend in Court, and he continued *in forma pauperis*; nor any Contract, nor Agreement be made for any Recompence, or Reward afterwards. And if any person offending herein shall be discovered to the Court, he shall undergo the displeasure of the Court, and such further punishment as the Court shall think fit to inflict upon him, and the party admitted, who shall give any such Fees or Reward, or make any such Contract or Agreement, shall be from thenceforth dispauper-

ed, and not be afterwards admitted again in that Suit to prosecute *in forma pauperis*.

It it shall be made appear to the Court, That any person prosecuting *in forma pauperis*, hath sold or contracted for the benefit of the Suit, or any part thereof, whiles the same depends, such cause shall be from thenceforth totally dismissed the Court, and never again retained.

Such Council or Attorney as shall be assigned by the Court, to assist the person admitted *in forma pauperis*, either to prosecute or defend, may not refuse so to do, unlessse they satisfy the Lord Chancellor,
or

or Lord Keeper of England, or Master of the Rolls, who granted the admittance, with some good reason of their forbearance.

That Councellour who shall move any thing to the Court, on the behalf of a person admitted *in forma pauperis*, ought to have the Order of Admittance with him, and first to move the same before any other motion. And if the Register shall finde that such person was not admitted *in forma pauperis*, he shall not draw up any Order upon the second motion, made by any such Councel, but he shall lose the fruit of such second motion, in
re-

respect of his abuse to the Court.

No process of Contempt shall be made forth, and sent to the Great Seal, at the Suit of any person prosecuting as Plaintiff *in forma Pauperis*, until it be signed by the six Clerk, who deals for him and the six Clerks, are to take care, that such process be not taken out needlessly, or for vexation, but upon just and good grounds, as they will answer it to the Court, if the contrary shall appear.

And lastly, It is Ordered, that all Masters of the Court of Chancery, Councillors, and all Officers, Ministers, Clerks, and Solicitors in the said Court,
do

do observe these Orders, which
are to continue, until upon fur-
ther consideration and experi-
ence, any Alterations shall be
thought fit to be made therein.

Clarendon.

HAR. GRIMSTON.

FINIS.

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